RA0702 Interagency Commission on School Construction – Capital

Capital Budget Summary

Grant and Loan Capital Improvement Program (\$ in Millions)

	2020	2021	2022	2023	2024	2025	2026
Program	Actual	Approp.	Request	Estimate	Estimate	Estimate	Estimate
Public School							
Construction							
Program*	\$251.800	\$280.000	\$250.000	\$216.500	\$216.500	\$216.500	\$216.500
Built to Learn							
Fund	0.000	0.000	520.000	425.200	421.600	421.600	411.600
Supplemental							
Capital Grant							
Program	68.200	75.000	40.000	40.000	40.000	40.000	40.000
Healthy School							
Facilities Fund	30.000	30.000	0.000	0.000	0.000	0.000	0.000
Public School							
Safety Grant **	0.000	10.000	10.000	10.000	10.000	10.000	10.000
Aging Schools							
Program	6.109	6.109	6.109	6.109	6.109	6.109	6.109
Nonpublic Aging							
Schools	4.000	3.500	3.500	3.500	3.500	3.500	3.500
Nonpublic School							
Security	3.500	3.500	3.500	3.500	3.500	3.500	3.500
Total	\$363.609	\$408.109	\$833.109	\$704.809	\$701.209	\$701.209	\$691.209

For further information contact: Laura H. Hyde Phone: (410) 946-5530

RA0702 - Interagency Commission on School Construction - Capital

Fund Source	2020 Actual	2021 Approp.	2022 Request	2023 Estimate	2024 Estimate	2025 Estimate	2026 Estimate
PAYGO GF	\$33.500*	\$43.500	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000
GO Bonds	330.109	364.109	248.109	279.609	279.609	279.609	279.609
Bond Premium	0.000	0.000	65.000	0.000	0.000	0.000	0.000
Revenue Bonds	0.000	0.000	520.000	425.200	421.600	421.600	411.600
Total	\$363.609	\$408.109	\$833.109	\$704.809	\$701.209	\$701.209	\$691.209

GF: general funds GO: general obligation PAYGO: pay-as-you-go

Key Observations

- Built to Learn Act of 2020 Increases Funding for Public School Construction: With the General Assembly's override of the Governor's veto of the Blueprint for Maryland's Future Implementation (Chapter 36 of 2021), the Built to Learn Act of 2020 (Chapter 20) takes effect. The capital budget includes \$520 million in revenue bonds issued by the Maryland Stadium Authority (MSA) for Chapter 20 school construction projects in fiscal 2022.
- Funding for the Public School Construction Program (PSCP) and Healthy School Facilities Fund (HSFF) Decreases: Chapter 20 extended the funding mandate for the HSFF to fiscal 2024. However, this law was contingent on enactment Chapter 36, which was vetoed by the Governor in May 2020. Although the General Assembly overrode the veto in February 2021, funding mandates including the \$30 million mandate for the HSFF do not apply to fiscal 2022. In addition, funding for the traditional PSCP decreases by \$30 million in the Governor's fiscal 2022 proposed Capital Improvement Program (CIP) budget and by \$284 million through fiscal 2026.

^{*} Does not include \$127 million of fiscal 2020 general funds restricted in the Revenue Stabilization Account and Dedicated Purpose Account, which the Governor did not release.

^{**} In fiscal 2020, the Maryland State Department of Education transferred \$2.4 million from the Interagency Commission on School Construction's Public School Safety Grant Program to the Maryland Center for School Safety (MCSS) to cover an overexpenditure in MCSS's School Safety Grant Program. In May 2020, the Board of Public Works canceled the remaining \$7.6 million as a cost containment measure. Additional discussion of this issue can be found later in this analysis.

Summary of Recommended Bond Actions

Funds

1. Aging Schools Program

Approve the Governor's \$6,109,000 general obligation bond fund authorization for the Aging Schools Program.

2. Nonpublic School Security Improvements

\$1,500,000 GO

Reduces the general obligation bond allowance for the Nonpublic School Security Improvements Program.

3. Public School Construction Program

Approve the Governor's \$250,000,000 general obligation bond fund authorization for the Public School Construction Program.

4. Public School Safety Grant Program

\$5,000,000 GO

Reduce the general obligation bond allowance for the Public School Safety Grant Program.

5. Senator James E. "Ed" DeGrange Nonpublic Aging Schools Program

Amend language to require that grants made under the Senator James E. "Ed" DeGrange Nonpublic Aging Schools Program must be expended within three years, at which point any unspent funds must be transferred to the Unreserved Statewide Contingency Fund. Also amend language to include additional requirements for program eligibility.

6. Supplemental Capital Grant Program

Approve the Governor's \$40,000,000 general obligation bond fund authorization for the Supplemental Capital Grant Program.

Total General Obligation Reductions

\$6,500,000

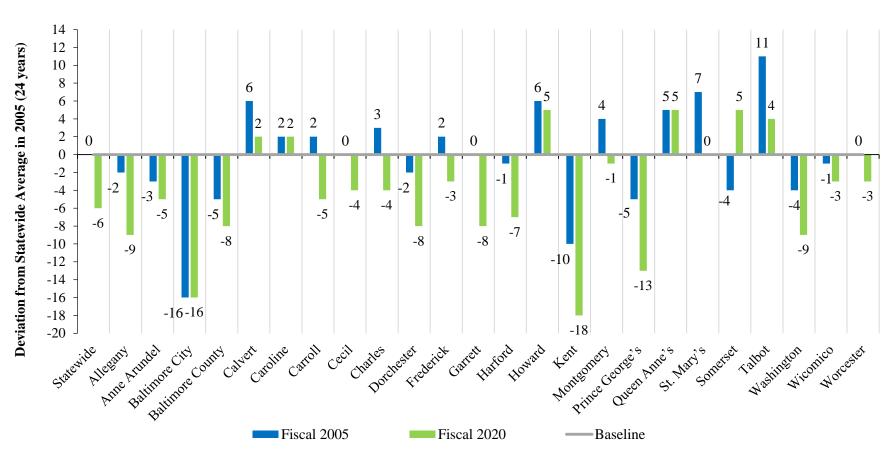
Program Description

The Interagency Commission on School Construction (IAC) is an independent commission within the Maryland State Department of Education (MSDE). Although MSDE acts as the fiscal agent for IAC, IAC is responsible for the management and distribution of pay-as-you-go (PAYGO) capital, operating, and special funds; general obligation (GO) bonds; bond premiums; and revenue bonds for public and nonpublic school construction programs in Maryland. Programs currently administrated by IAC are the PSCP, the Supplemental Capital Grant Program, the HSSF, the Public School Safety Grant, the Aging Schools Program (ASP), the Senator James E. "Ed" DeGrange Nonpublic Aging Schools Program, the Nonpublic School Security Improvements, and other smaller programs. Additionally, IAC oversees the Baltimore City 21st Century Schools Program. More information on these programs can be found at the end of this analysis in Program Descriptions; see R00A07 for IAC's Headquarters analysis.

Performance Measures and Outputs

One of IAC's performance goals focuses on the equity and quality of Maryland's school facilities and whether they are safe physical environments for teaching and learning. As illustrated in **Exhibit 1**, one performance goal measures the average age of each local school system (LSS) assigned public school facility square footage (SF) against the State baseline average age. This measure has been in place since fiscal 2005, which serves as the baseline year, when the average age of State SF was 24 years. In fiscal 2020, the statewide average increased to 30 years.

Exhibit 1 LSS Deviation from the Statewide Average Age of Square Footage Fiscal 2005-2020



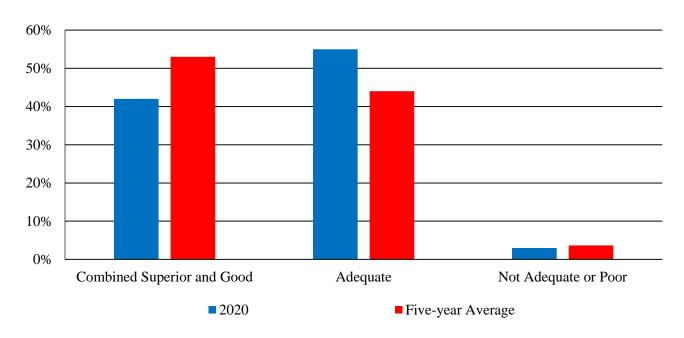
LSS: local school system

Analysis of the FY 2022 Maryland Executive Budget, 2021

Source: Interagency Commission on School Construction

Maintenance inspection ratings are also an IAC performance measure. In fiscal 2020, 42% of school buildings received either a superior or good rating, 55% received an adequate rating, and 3% received a not adequate or poor rating. The five-year average for these measures from fiscal 2015 to 2020 is 52% of buildings received superior or good ratings, 44% received an adequate rating, and 4% received a not adequate or poor rating. This finding correlates with the advancing age of many Maryland school buildings. **Exhibit 2** shows this performance measure for fiscal 2020 compared to the average percentage rating per category in last five years (2015 to 2020).





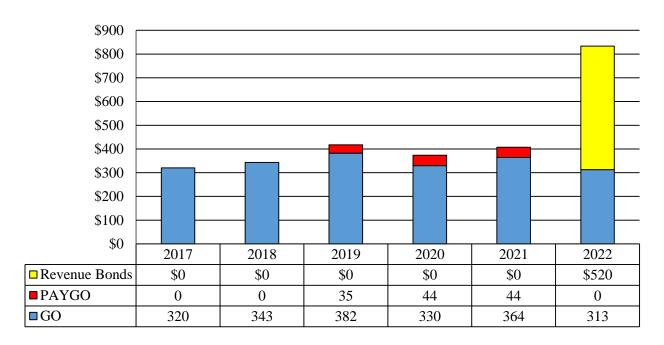
IAC: Interagency Commission on School Construction

Source: Interagency Commission on School Construction; Department of Legislative Services

Budget Overview

In the past 10 years, the school construction budget has utilized PAYGO, GO, and contingency balances as funding sources for projects, with an average expenditure of \$375 million per year since 2013. With the passage of Chapter 20, the budget introduces revenue bonds as an additional fund source. **Exhibit 3** shows school construction spending from fiscal 2013 to 2022 by fund source.

Exhibit 3
New School Construction Funding by Source
Fiscal 2017-2022
(\$ in Millions)



GO: general obligation PAYGO: pay-as-you-go

Note: Does not include allocations for statewide projects, contingencies, reserved funds, or consultant fees.

Source: Interagency Commission on School Construction

The Governor's plan for school construction funding provides \$833.1 million from all sources in fiscal 2022 and a total of \$3.6 billion from all sources through fiscal 2026. This includes \$520 million in revenue bonds for school construction in fiscal 2022 and a total of \$2.2 billion through fiscal 2026; however, this number is just an estimate, as these bonds would be issued by MSA based on approved projects.

This funding level is unprecedented with inclusion of revenue bonds; excluding revenue bonds, the funding level is less than what was programmed or anticipated in fiscal 2022 and through the five-year CIP, which for fiscal 2022 was expected to be \$280 million for the PSCP. This reduced funding of the PSCP continues through fiscal 2026 and totals \$284 million less than expected. HSFF funding of \$30 million mandated by Chapter 20 was not included in fiscal 2022. **Exhibit 4** shows the

variance between what was anticipated for each of the next five years versus what is programmed in the fiscal 2022 CIP.

Exhibit 4
Fiscal 2022 Governor's Proposed Budget
(\$ in Millions)



CIP: Capital Improvement Program

Source: Governor's Fiscal 2021 and 2022 Capital Budget Books; Department of Legislative Services

Public School Construction Program

The Governor's budget as introduced allocates \$250 million to the PSCP, funded as \$185 million in GO bonds and \$65 million in anticipated bond premium proceeds. The State Treasurer's Office estimates that there will be \$210 million of bond premiums above what can be used to support debt service generated from the second fiscal 2021 and both fiscal 2022 State GO bond issuances. It is noteworthy that the \$65 million supporting the PSCP is last in this priority order, with \$125 million programmed for the Washington Metropolitan Transit Authority upgrade grants and \$20 million for the Community College Construction Grant Program, listed first and second, respectively, as established in Section 16 of the capital budget bill.

The largest allocation in the CIP is the PSCP, which is the primary statewide funding source for all LSS for school construction and for the Maryland School for the Blind (MSB). Other State funds for all LSS include the ASP, the School Safety Grant Program, and the HSFF. Some, but not all, LSS receive funds from the Enrollment Growth and Relocatable Classroom (EGRC) Supplemental Grant Program. Nonpublic schools may apply for grants from the Senator James E. "Ed" DeGrange Nonpublic Aging Schools Program and the Nonpublic School Safety Improvement Program.

State and local governments share in the cost of school construction projects. The State pays for at least 50% of eligible costs of school construction and renovation projects, based on a funding formula that takes into account numerous factors, including each LSS's wealth and ability to pay. The 21st Century School Facilities Act (Chapter 14 of 2018) requires that the cost-share formula be recalculated every two years. The fiscal 2021 and 2022 State cost shares were approved by IAC on September 12, 2019, and held harmless LSS that would have experienced a decreased State share under the formula calculation. LSS were also held harmless from State share decreases in fiscal 2019 and 2020. Chapter 20 expands eligible costs to include planning and design as well as furniture, fixtures, and equipment that have at least a 15-year median useful life. IAC is in the process of recalculating the cost-share formula and will be approving new State cost shares for fiscal 2023 and 2024 as early as March 2021. **Exhibit 5** shows the cost shares for fiscal 2018 through 2022 by LSS.

Exhibit 5 State Cost Share Fiscal 2018-2022

Local School System	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Allegany	83%	85%	85%	89%	89%
Anne Arundel	50%	50%	50%	50%	50%
Baltimore City	93%	93%	93%	96%	96%
Baltimore County	52%	56%	56%	57%	57%
Calvert	53%	53%	53%	53%	53%
Caroline	80%	81%	81%	87%	87%
Carroll	59%	59%	59%	59%	59%
Cecil	63%	66%	66%	66%	66%
Charles	61%	61%	61%	65%	65%
Dorchester	76%	76%	76%	82%	82%
Frederick	64%	64%	64%	64%	64%
Garrett	50%	50%	50%	50%	50%
Harford	63%	63%	63%	63%	63%
Howard	55%	55%	55%	55%	55%
Kent	50%	50%	50%	50%	50%
Montgomery	50%	50%	50%	50%	50%
Prince George's	63%	63%	70%	70%	70%
Queen Anne's	50%	50%	51%	51%	51%
St. Mary's	58%	58%	58%	58%	58%
Somerset	100%	100%	100%	100%	100%
Talbot	50%	50%	50%	50%	50%
Washington	71%	71%	71%	79%	79%
Wicomico	97%	97%	97%	100%	100%
Worcester	50%	50%	50%	50%	50%
Maryland School for the Blind	93%	93%	93%	93%	93%

Source: Interagency Commission on School Construction

IAC manages State review and approval of local school construction projects. Each year, LSS develop and submit a facilities master plan to IAC that includes an analysis of future school facility needs based on the current condition of school buildings and projected enrollment. The master plan must be approved by the local school board. Subsequently, each LSS submits a county CIP to IAC, which may include projects that the LSS has forward-funded. **Appendix 1** shows the fiscal 2017 to 2021 allocations and total allocations from 1972 to 2021.

Fiscal 2022 LSS requests for State public school construction funding total approximately \$694.4 million. In December 2020, IAC made fiscal 2022 75% funding allocations totaling \$210 million, based on the Governor's preliminary \$280 million expected budget. However, with the Governor's \$30 million reduction to the PSCP, IAC has adjusted its recommended 90% and 100% allocations to \$250 million. To the extent that the enacted capital budget provides more (or less) funding for public school construction than the Governor's proposed budget, the 100% allocations may change. Allocations for fiscal 2022 cover 36% of requested funds for school construction. **Exhibit 6** shows the requested amounts by LSS and IAC's 75%, 90%, and 100% funding recommendations.

Exhibit 6
Public School Construction Program 100% Recommendations
Fiscal 2022
(\$ in Millions)

<u>Local School System</u>	2022 CIP Requests <u>Planning/Funding</u>	75% Funding <u>Allocation</u>	90% Funding <u>Allocation</u>	100% Recommendation	% of Total <u>Request</u>
Allegany	\$2.3	\$1.7	\$0.0	\$2.2	95%
Anne Arundel	65.1	18.9	19.5	22.3	34%
Baltimore	170.9	30.0	30.5	32.3	19%
Calvert	16.0	11.8	11.8	11.8	74%
Caroline	6.5	2.4	2.4	3.3	51%
Carroll	30.1	6.8	8.8	9.9	33%
Cecil	6.2	3.6	3.6	4.0	64%
Charles	54.4	7.8	8.7	9.0	17%
Dorchester	2.9	2.9	2.9	2.9	100%
Frederick	23.5	11.8	12.5	13.9	59%
Garrett	1.9	0.7	0.7	1.9	100%
Harford	13.9	9.5	10.5	11.4	82%
Howard	40.3	12.1	12.7	14.2	35%
Kent	0.0	0.0	0.0	0.0	100%
Montgomery	76.3	24.3	26.2	28.1	37%
Prince George's	46.0	18.1	18.1	20.1	44%

RA0702 - Interagency Commission on School Construction - Capital

Local School System	2022 CIP Requests <u>Planning/Funding</u>	75% Funding <u>Allocation</u>	90% Funding <u>Allocation</u>	100% Recommendation	% of Total <u>Request</u>
Queen Anne's	2.2	2.1	2.1	2.1	99%
St. Mary's	5.5	4.1	4.1	5.0	92%
Somerset	0.4	0.2	0.2	0.2	49%
Talbot	1.2	0.9	0.9	1.0	85%
Washington	10.7	6.5	7.1	7.9	74%
Wicomico	13.9	4.9	6.5	9.8	71%
Worcester	4.8	3.6	3.7	3.7	78%
Baltimore City	97.7	23.5	27.0	29.8	31%
Maryland School for the Blind	1.6	1.6	0.0	1.6	100%
Funding Reserved	5.0	0.0	0.0	1.0	20%
DGS Design Consultant Fees	0.5	0.0	0.0	0.5	100%
Total	\$694.4	\$210.0	\$224.0	\$250.0	36%

CIP: Capital Improvement Program DGS: Department of General Services

Source: Interagency Commission on School Construction

Enrollment Growth and Relocatable Classroom Supplemental Grant Program

The fiscal 2022 budget provides the mandated \$40 million for the EGRC Supplemental Grant Program to be allocated through the program funding formula. In 2021, seven counties received EGRC supplemental grants: Anne Arundel; Baltimore; Caroline; Frederick; Howard; Montgomery; and Prince George's. In fiscal 2022, implementation of Chapter 20 reduces the threshold of five-year average of relocatable classrooms from 300 to 250 for LSS eligibility for EGRC funding. Under this revised formula, Anne Arundel, Baltimore, Frederick, Howard, Montgomery, and Prince George's counties receive EGRC supplemental grants in fiscal 2022. **Exhibit 7** shows the fiscal 2017 through 2022 EGRC grant allocations, including increases by the General Assembly above the mandated amount.

Exhibit 7
Enrollment Growth and Relocatable Classroom Supplemental Grant Program
Fiscal 2017-2022
(\$ in Millions)

Local School System	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u> *
Anne Arundel	\$6.0	\$9.5	\$7.9	\$6.1	\$9.2	\$5.7
Baltimore County	8.3	12.3	10.9	8.3	9.5	7.6
Caroline	0.0	0.0	0.0	0.0	1.7	0.0
Dorchester	0.4	0.0	0.0	0.0	0.0	0.0
Frederick	0.0	0.0	0.0	0.0	4.8	2.9
Howard	4.1	6.7	5.4	5.5	14.1	3.9
Montgomery	11.7	21.8	25.9	25.9	22.3	11.0
Prince George's	9.5	12.2	18.1	18.1	13.4	8.9
Total	\$40.0	\$62.5	\$68.2	\$40.0	\$75.0	\$40.0

^{*} Estimated based on allocation per Chapter 20 of 2020.

Source: Interagency Commission on School Construction

Aging Schools Program

The fiscal 2022 capital budget funds ASP at the same level as previous years, which is \$6.1 million in GO bond funding. These amounts are mandated as part of this grant distribution. **Exhibit 8** shows the fiscal 2017 through 2021 average allocations, which include prior year contingent funds from fiscal 2010 through 2021, and fiscal 2022 allocations.

Exhibit 8 Aging Schools Program Fiscal 2017-2022 (\$ in Thousands)

Local School System	Average Expenditure <u>2017-2021</u>	<u>2022</u>
Allegany	\$236.5	\$97.8
Anne Arundel	506.0	506.0
Baltimore City	1,387.9	1387.9
Baltimore	1,016.0	874.2
Calvert	40.5	38.3
Caroline	54.3	50.1
Carroll	138.1	137.3
Cecil	100.8	96.0
Charles	61.9	50.1
Dorchester	38.3	38.3
Frederick	186.0	182.6
Garrett	38.3	38.3
Harford	222.5	217.4
Howard	87.8	87.8
Kent	50.3	38.3
Montgomery	603.0	602.7
Prince George's	1,260.5	1,209.4
Queen Anne's	51.0	50.1
St. Mary's	51.8	50.1
Somerset	72.7	38.3
Talbot	47.7	38.3
Washington	134.9	134.9
Wicomico	108.8	106.6
Worcester	38.4	38.3
Total	\$6,534.1	\$6,109.0

Source: Interagency Commission on School Construction

Healthy School Facilities Fund

The Governor's fiscal 2022 proposed budget does not allocate funding for the HSFF because as part of Chapter 14 of 2018, this program was scheduled to terminate after fiscal 2021. Chapter 20

extended the program to fiscal 2024, but the veto of Chapter 36 delayed Chapter 20 implementation, and therefore HSFF funding was not mandated in fiscal 2022. In fiscal 2021, this program received \$30 million in PAYGO funds in the operating budget. However, due to IAC's concern that general funds might be reduced as a result of the pandemic, the agency has not allocated these funds to LSS. IAC expects to start that process in May 2021, with grants distributed by July 2021. This fund currently has a balance of \$4.3 million, which will be added to the upcoming program allocation. **Exhibit 9** provides fiscal 2020 allocations by LSS.

Exhibit 9 Healthy School Facilities Fund Fiscal 2020 (\$ in Millions)

Local School System	<u>2020</u>
Allegany	\$0.0
Anne Arundel	0
Baltimore City	9.9
Baltimore County	14.2
Calvert	0.1
Caroline	0
Carroll	0
Cecil	0.2
Charles	0
Dorchester	0
Frederick	0
Garrett	0
Harford	0.0
Howard	0
Kent	0
Montgomery	0.4
Prince George's	5.0
Queen Anne's	0
Somerset	0
St. Mary's	0
Talbot	0
Washington	0.0
Wicomico	0.3
Worcester	0
Total	\$30.0

Source: Interagency Commission on School Construction

Public School Safety Grant Program

In fiscal 2020, the Public School Safety Grant Program received \$10 million in PAYGO funds. However, due to an accidental over expenditure of school safety grant funds in the Maryland Center for School Safety (MCSS) and a request to cut expenditures due to the pandemic, MSDE transferred \$2.4 million from this fund to MCSS in December 2019 and reverted the remaining \$7.6 million in the May 2020 Board of Public Works (BPW) cuts. In fiscal 2021, this program receives \$10 million in GO bonds, which IAC anticipates combining with the fiscal 2022 allowance for allocation in May 2021. The Department of Legislative Services (DLS) notes that as with the Nonpublic School Security Improvement Grant Program, the funding source for the Public School Safety Grant Program will change starting in fiscal 2022. This change means that eligible projects will now require a 15-year lifespan to meet GO bond requirements, even though previous allocations did not need to meet that standard. School safety projects typically include door locking mechanisms, security cameras, and related equipment that do not meet the 15-year requirement. With \$10 million in fiscal 2021 general funds due to be awarded by the end of the fiscal year and the 15-year useful life limitations on using GO bonds to support the program, DLS recommends reducing the bond funding for this program in fiscal 2022 by \$5.0 million and reprogramming these funds for other public school construction needs. DLS also recommends that funds allocated in fiscal 2021 and 2022 to this grant program be administrated by MCSS.

Nonpublic School Security Improvements

The Nonpublic School Security Improvement Grant Program in the Governor's capital budget receives \$3.5 million in GO bonds in fiscal 2022. This funding source is a change from previous years in which the program was funded in the operating budget with PAYGO funds. Language added to the fiscal 2020 appropriation established distribution eligibility requirements as follows: in order to qualify for a grant, nonpublic schools must also participate in the Aid to Non-Public Schools Program; the maximum grant amount is \$65 per student, except where at least 20% of the students are eligible for free and reduced-priced meals (FRPM), then the maximum grant amount is \$85 per student. The minimum grant amount is \$5,000 per eligible school. Fiscal 2021 grants will not be distributed until March 2021. **Exhibit 10** shows the distribution of \$3.7 million in grants to 193 nonpublic schools in fiscal 2020, which includes approximately \$150,000 distributed from funds remaining in fiscal 2019.

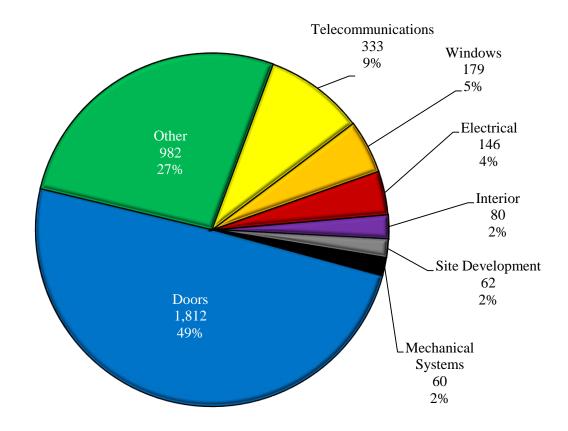
Exhibit 10 Nonpublic School Security Improvement Grant Program Fiscal 2020 (\$ in Thousands)

Local School System	Projects	Total
Allegany	2	\$39
Anne Arundel	14	369
Baltimore	43	1,007
Baltimore City	24	447
Calvert	3	22
Carroll	3	32
Cecil	2	20
Charles	3	55
Dorchester	1	5
Frederick	8	97
Harford	3	61
Howard	6	104
Montgomery	35	629
Pending	1	15
Prince George's	25	468
Queen Anne's	1	5
St. Mary's	5	91
Talbot	3	48
Washington	7	78
Wicomico	4	64
Total	193	\$3,654

Source: Interagency Commission on School Construction

Starting in fiscal 2022, the Nonpublic School Security Improvement Grant Program will be funded with GO bonds, not PAYGO funds. This change means that eligible safety improvements funded by this program starting in fiscal 2022 will need to have a 15-year life span. **Exhibit 11** shows nonpublic school security improvement grants by project type in fiscal 2020.

Exhibit 11
Nonpublic School Security Improvement Grants by Project Type
Fiscal 2020
(\$ in Thousands)



Source: Interagency Commission on School Construction

As discussed previously for the Public School Safety Grant Program, DLS notes that with this change in funding source starting in fiscal 2022, projects eligible for this program will now require a 15-year lifespan to meet GO bond requirements, even though previous allocations did not need to meet that standard. With \$4.0 million in fiscal 2021 general funds due to be awarded by the end of the fiscal year and the 15-year useful limitations on using GO bonds to support the program, DLS recommends reducing the bond funding for this program in fiscal 2022 by \$1.5 million and reprogramming these funds for other public school construction needs. DLS also recommends that this grant program be administrated by MCSS.

James E. "Ed" DeGrange Nonpublic Aging Schools Grant Program

The Governor's fiscal 2022 capital budget includes \$3.5 million of GO bond funds for the Senator James E. "Ed" DeGrange Nonpublic Aging Schools Grant Program to provide grants to nonpublic schools for minor renovations and infrastructure repairs. Grants are limited to nonpublic schools, excluding preschools, which meet the eligibility requirements for funding through the Aid to Non-Public Schools Program. The program limits an individual school's grant to no more than \$100,000 and no less than \$5,000. Three criteria are used to determine maximum funding per school: (1) at least 20% of the school's students being eligible for FRPM; (2) tuition charged to students being less than the statewide average per pupil expenditure; and (3) the school having a facility with an average age of 50 years or older. Schools may receive up to a maximum allocation based on how many criterion it meets. Language attached to the fiscal 2022 authorization as proposed sets the levels as follows:

- up to \$25,000 for schools meeting one criterion;
- up to \$75,000 for schools meeting two criteria; and
- up to \$100,000 for schools meeting three criteria.

In the fiscal 2021 capital budget, the legislature authorized \$4.0 million for this program but restricted approximately \$1.0 million for seven projects at designated schools. Distribution of the fiscal 2021 grants will occur in March 2021 and is not available as of the date of this analysis. **Exhibit 12** shows fiscal 2020 program allocation of the remaining \$3.1 million to 184 nonpublic schools.

Exhibit 12
Senator James E. "Ed" DeGrange Nonpublic Aging Schools Grant Program
Fiscal 2020
(\$ in Thousands)

Local School System	Projects	Total
Allegany	2	\$38
Anne Arundel	13	225
Baltimore	35	494
Baltimore City	25	481
Calvert	3	56
Caroline	1	19
Carroll	2	25
Cecil	2	25
Charles	4	63
Dorchester	1	19
Frederick	4	75
Harford	4	50
Howard	6	125
Montgomery	34	582
Pending	1	19
Prince George's	27	388
Queen Anne's	1	6
St. Mary's	5	88
Talbot	3	69
Washington	7	144
Wicomico	4	88
Total	184	\$3,078

Source: Interagency Commission on School Construction

Built to Learn Act of 2020

In March 2020, the General Assembly passed the Built to Learn Act of 2020, which was enacted into law as Chapter 20. However, this law was contingent on enactment of Blueprint for Maryland's Future – Implementation (Chapter 36), which was vetoed by the Governor in May 2020. In February 2021, the General Assembly overrode the veto, which means that Chapter 20 immediately took effect, although funding mandates do not apply to fiscal 2022.

Chapter 20 establishes new programs and funds, modifies existing programs, and eliminates or phases out other programs. These changes include:

- The Supplemental Public School Construction Financing Fund and the Supplemental Public School Construction Facilities Fund are new, nonbudgeted funds, administered by MSA. These continuing, nonlapsing funds will include the proceeds of MSA revenue bonds backed by Education Trust Fund payments. The funds must be used to supplement, but not supplant, money appropriated to the PSCP.
- The Public Schools Priority Fund is intended to address the facility needs of the highest priority schools identified by the statewide facilities assessment, with the highest priority given to schools with a severe facility issue that required the school to be closed. Allocations from this fund begin in fiscal 2025 and are supplemental and not intended to take the place of funding that otherwise would be appropriated for public schools in the State. This program is also intended to take the place of the ASP and the Public School Safety Grant Program beginning in fiscal 2027 and repeals these programs effective July 1, 2026.
- The EGRC Supplemental Grant Program remains in this legislation, with changes to the definition of "significant number of relocatable classrooms," which now means an average of more than 250 (instead of 300) relocatable classrooms over the past five years. Funding for this program above \$40.0 million is mandated beginning in fiscal 2027 and allocated to eligible school systems based on their proportionate share of the percentage of enrollment growth above the State average.
- The HSFF continues under this legislation, with 50% of HSFF designated for Baltimore City through fiscal 2024.
- The Senator James E. "Ed" DeGrange Nonpublic Aging Schools Program, Nonpublic School Security Improvement Grant Program, and Public School Safety Grant programs do not receive funding in this bill.

Exhibit 13 shows the current allocation and funding for this legislation from fiscal 2022 to 2027.

Exhibit 13 Built to Learn Act of 2020 Fiscal 2022-2027 (\$ in Millions)

	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u> 2025</u>	<u>2026</u>	<u> 2027</u>	Total
Revenue Bonds							
Supplemental Public Schools Financing Fund	\$333.3	\$333.3	\$333.3	\$333.3	\$333.3	\$333.3	\$2,000.0
GO Bonds							
Aging Schools Program	\$6.1	\$6.1	\$6.1	\$6.1	\$6.1	\$0.0	\$30.5
Public School Safety Grant	10.0	10.0	10.0	10.0	10.0	0.0	50.0
Program Subtotal	\$16.1	\$16.1	\$16.1	\$16.1	\$16.1	\$0.0	\$80.5
	φ10.1	φ10.1	φ10.1	φ10.1	φ10.1	φυ.υ	φου.5
GO Bonds or General Funds							
EGRC Supplemental Capital Grant Public School Facilities Priority	\$40.0	\$40.0	\$40.0	\$40.0	\$40.0	\$80.0	\$280.0
Fund	0.0	0.0	0.0	40.0	40.0	80.0	160.0
Subtotal	\$40.0	\$40.0	\$40.0	\$80.0	\$80.0	\$160.0	\$440.0
General Funds or Not Specified							
Healthy School Facilities Fund	\$30.0	\$40.0	\$40.0	\$0.0	\$0.0	\$0.0	\$110.0
Special Funds							
Supplemental Public School							
Construction Fund (transfer from Education Trust Fund)	30.0	60.0	125.0	125.0	125.0	125.0	590.0
Hom Education Trust Fund)	30.0	00.0	123.0	123.0	123.0	123.0	390.0
Total	\$449.4	\$489.4	\$554.4	\$554.4	\$554.4	\$618.3	\$3,220.5

EGRC: Enrollment Growth or Relocatable Classrooms

GO: general obligation

Source: Built to Learn Act of 2020; Department of Legislative Services

Chapter 20 authorizes MSA to issue bonds to finance public school construction projects beginning January 1, 2021. Before issuing bonds, MSA must obtain the approval of BPW of the aggregate amount of the proposed bond issue. At least 45 days before seeking approval from BPW for the sale of revenue bonds, MSA must provide specified written notice to the fiscal committees of the General Assembly. Total debt service for all bond issuances may not exceed \$30 million in fiscal 2022,

^{*} Does not include \$25 million allocated to Prince George's County for startup costs for public-private partnership projects. Annual allocation is an estimated average based on Chapter 20 of 2020.

\$60 million in fiscal 2023, and \$125.0 million annually thereafter; it may not exceed \$100.0 million annually if Prince George's County enters into a public-private partnership (P3) agreement.

As shown in **Exhibit 14**, proceeds of MSA's sale of revenue bonds (including bond premiums) must be allocated to LSS based on percentages specified in the law (assuming \$2.0 billion in bond proceeds). The allocation for Baltimore City must include a specified amount for a specified project, subject to a specified local matching requirement. Any allocation must be used within 10 years or be subject to reallocation. The bond proceeds provided to each school system represent the State share of eligible public school construction costs.

Exhibit 14
Allocation of MSA Bond Proceeds in Chapter 20 of 2020
(\$ in Millions)

Local School System	Percent of Total	Proceeds
Anne Arundel	12.5%	\$250
Baltimore City	21.0%	420
Baltimore	21.0%	420
Frederick	5.1%	102
Howard	6.6%	132
Montgomery	21.0%	420
Prince George's	*	*
All Other Counties	11.5%	230
Unallocated/MSA	1.3%	26
Total	100.0%	\$2,000

MSA: Maryland Stadium Authority

Source: Chapter 20 of 2020, Department of Legislative Services

Prince George's County Public-private Partnership Agreement

Chapter 20 authorizes State funding for a P3 agreement for Prince George's County. A P3 agreement is defined as one in which a county government and county board of education contract with a private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, or financing of a public school. It may include provisions for the operation and maintenance of a school, for cooperative use of a school or an adjacent property, and for the generation of revenue

^{*}Under Chapter 20 of 2020, Prince George's County receives \$25.0 million annually for up to 30 years beginning in fiscal 2024 to supplement local funds for an availability payment if it enters into a public-private partnership agreement, subject to other provisions in the bill.

to offset the cost of construction or use of the school. This agreement must be reviewed by MSA and approved by IAC.

If Prince George's County enters into a specified P3 agreement by July 1, 2022, MSA must deposit \$25.0 million annually, beginning in fiscal 2024 and not after fiscal 2053, into the Prince George's County P3 Fund. In order for Prince George's County to receive these annual payments, the P3 agreement must include a minimum of six schools that will be improved, constructed, renovated, operated, and maintained under the P3 agreement, and a commitment by the Prince George's County government and school board to provide the local share of the availability payment. Prince George's County and the school board entered into a P3 agreement in January 2021. Under Chapter 20, MSA must review the P3 agreement, and IAC must approve it before State funds may be used to support the P3 agreement.

Contingency Fund Balances

Chapter 488 of 2007 authorized LSS to retain unused PSCP funding for up to two fiscal years and apply them to other LSS school construction projects, and contingency reserve accounts were created for each LSS for this purpose. After two years, any remaining school construction funds reverted to the Unreserved Statewide Contingency Account, which could then be reallocated by IAC to any school construction project in the State. Chapter 485 of 2010 extended the amount of time LSS have to use school construction funds from two years to four years, after which those funds revert to the Unreserved Statewide Contingency Account.

Unused program funds allocated for school construction programs that are not spent by the end of the fiscal year can be retained either in that program's contingency account, reserved in a LSS contingency account, or revert to the Unreserved Statewide Contingency Account. Section 5-503 of the Education Article requires IAC to report on these balances quarterly. In the most recent report, the balance on all funds totals \$41 million; however, because this report is a quarterly balance sheet, the June 30 report of each fiscal year operates as the closeout report. **Exhibit 15** displays contingency fund balances at the end of fiscal 2020.

Exhibit 15 Contingency Fund Balances Fiscal 2020 (\$ in Thousands)

Program	<u>2020</u>
Reserved for Local School Systems	\$6,286
Unreserved Statewide Contingency Account	5,294
Healthy School Facility Fund	4,320
EGRC Supplemental Grant	678
Baltimore City HVAC Reserve	979
Emergency Repair Fund	310
Relocatable Repair Fund	248
Fiscal 2012 Supplemental Appropriation	125
Quality Zone Academy Bond Program	112
Public School Safety	183
Nonpublic Aging Schools	11
Nonpublic School Safety Improvements	2
Total	\$18,548

EGRC: Enrollment Growth and Relocatable Classroom

Source: Interagency Commission on School Construction

Although the report supplied by IAC contains detailed information on contingency fund balances, the report does not clearly identify (1) the fund balance in the Unreserved Statewide Contingency Account and (2) fund balances by LSS, program, and fiscal year. Of specific concern are funds remaining in the EGRC Supplemental Grant Program and the PSCP, which are not clearly reported in this manner. **DLS recommends that IAC clearly identify the balance in the Unreserved Statewide Contingency Account as well as clearly present EGRC Supplemental Grant Program and PSCP contingency balances by fiscal year and LSS in all future quarterly reports.**

Updates

1. Baltimore City 21st Century Schools Program

Chapter 647 of 2013 established a new partnership among the State, Baltimore City, and Baltimore City Public Schools to fund up to \$1.1 billion in public school facility improvements in Baltimore City through revenue bonds to be issued by MSA. Of the 28 Baltimore City schools slated to be renovated or replaced under the 21st Century School Buildings Program, 15 have been completed and occupied (or available to be occupied), including 10 of the 11 Year 1 schools and 5 of the 17 Year 2 schools. Completion of the final Year 1 school (Patterson/Claremont) is scheduled for summer 2021. The remaining 12 Year 2 schools are in various stages of planning and construction; most are scheduled to be completed during summer 2021 with 2 scheduled for completion during summer 2022.

GO Bond Recommended Actions

- 1. Approve the Governor's \$6,109,000 general obligation bond fund authorization for the Aging Schools Program.
- 2. Reduces the general obligation bond allowance for the Nonpublic School Security Improvements Program.

> (B) Nonpublic School Security Improvements. Provide grants eligible schools to participate participating in the Nonpublic Student Textbook Program. only to nonpublic schools that were eligible to participate in Aid to Non-Public Schools R00A03.04 (for the purchase of textbooks or computer hardware and software for loans to students in eligible nonpublic schools) during the 2020-2021 school year or nonpublic schools that serve students with disabilities through the Non-Public Placement Program R00A02.07 Subprogram 0762, with a maximum amount of \$65 per eligible nonpublic school student for participating schools, except that at schools where at least 20% of the students are eligible for the free or reduced-price meal program or for schools that service students with disabilities through the Non-Public Placement Program, there shall be a distribution of \$85 per student and no individual school may receive less than \$5,000. Payment for work completed under this program will be through reimbursement to the grant recipient.

> > Further provided that these grants will be administered by the Maryland Center for School Safety

<u>Allowance</u>	<u>Change</u>	<u>Authorization</u>		
3,500,000	-1,500,000	2,000,000		

Explanation: This action reduces the general obligation bond allowance for the Nonpublic School Security Improvements Program.

3. Approve the Governor's \$250,000,000 general obligation bond fund authorization for the Public School Construction Program.

4. Reduce the general obligation bond allowance for the Public School Safety Grant Program.

RA0702D Public School Safety Grant Program \$ 5,000,000

Amend the following language:

<u>Allowance</u> <u>Change</u> <u>Authorization</u> 10,000,000 -5,000,000 5,000,000

Explanation: Reduce general obligation bond allowance for the Public School Safety Grant Program and provide that the program be administered by the Maryland Center for School Safety for any funds allocated to this program in fiscal 2021 and 2022.

5. Amend language to require that grants made under the Senator James E. "Ed" DeGrange Nonpublic Aging Schools Program must be expended within three years, at which point any unspent funds must be transferred to the Unreserved Statewide Contingency Fund. Also amend language to include additional requirements for program eligibility.

Amend the following language:

Senator James E. "Ed" DeGrange Nonpublic Aging Schools Program. Provide funds to be distributed as grants to nonpublic schools in Maryland for expenditures eligible under the Aging Schools Program established in § 5-206 of the Education Article, including school security improvements. Provided that grants may only be provided to nonpublic schools eligible to receive Aid to Nonpublic Schools R00A03.04 for the purchase of textbooks and computer hardware and software for loans to students in eligible public schools) during the 2020-2021 school year or nonpublic schools that serve students with disabilities through the Non-Public Placement Program R00A02.07 Subprogram 0762, excluding preschools in fiscal 2021, with a maximum amount of \$100,000 and a minimum amount of \$5000 per eligible school.

Further provided that:

An Unless a school serves students through the Non-Public Placement Program, an eligible school may apply and qualify for a grant as specified below based on the following criteria:

- (1) At least 20% of the school's students are eligible for free or reduced price meal programs;
- (2) Tuition charged to students is less than the statewide average per pupil expenditure for public schools as calculated by the Maryland State Department of Education; and
- (3) The school has a facility with an average of 50 years or more; and

(b) If a school meets:

- (1) All three of the criteria specified above, or serves students through the Nonpublic Placement Program, the school may receive up to \$100,000;
- (2) Two of the three criteria specified above, the school may receive up to \$75,000; and
- One of the three criteria specified above, the school may receive up to \$25,000.

Further provided that if more eligible schools apply and qualify for grants than the total authorizations, the Maryland State Department of Education shall prorate the grants based on the total authorization amount. Further provided that the funds shall be administered by the Maryland State Department of Education and the Interagency Commission on School Construction.

Further provided that grants made to nonpublic schools shall be expended within three years of the date that funding for the grants became available. Any funding for grants that is unexpended following three years of having become available shall be transferred to the Unreserved Statewide Contingency Account for public school construction.

Explanation: This action restores language from the fiscal 2021 capital bill that specifies that grants made to nonpublic schools must be expended within three years of the date of that funding or they will be transferred to the Unreserved Statewide Contingency Fund and adds language in regard to participation by schools in the Non-Public Placement Program.

6. Approve the Governor's \$40,000,000 general obligation bond fund authorization for the Supplemental Capital Grant Program.

Total General Obligation Bonds Reductions

\$6,500,000

Program Descriptions

Capital Improvement Program

The State CIP provides the majority of funds for local education agencies (LEA) for school construction. In order to qualify for their annual allocation each LEA, including MSB, develops and submits a 10-year Educational Facilities Plan for future school construction to IAC. This plan must assess local school construction needs based on (1) the current condition of school buildings and (2) the county's projected enrollment. LEAs must also submit an annual county CIP that includes plans for specific projects and requests for planning and construction projects for the next fiscal year. These county CIPs provide IAC with the annual information needed to allocate program funds.

Public School Construction Program

The 21st Century School Facilities Act establishes the goal for the State to commit at least \$400 million annually to public school construction within current debt affordability guidelines. This program is funded by GO bonds and requires a State and local cost-share. IAC decides how to allocate the PSCP funds on a regular schedule, which is as follows:

- *October:* The Governor announces a preliminary allocation for public school construction funds designated for the upcoming fiscal year. IAC staff gives this information to LEAs, which submit both an annual and five-year county CIP request for public school construction funds. The county CIP must be signed by the LEA's school board and the county governing body.
- October through November: IAC staff evaluate each CIP to determine the relative merit of each funding request. Each project is assigned a letter (A, B, C, or D), which determines its approval status:
 - A projects receive IAC approval for planning and funding;
 - B projects are deferred for funding due to fiscal constraints but are eligible for local planning or construction funding;
 - C projects are not currently eligible for planning or funding approval based on unresolved issues; and
 - D projects are not eligible for funding.
- **December:** Upon completion of this evaluation, IAC staff presents these recommendations to IAC for review. LEAs may appeal IAC recommendations and approval status.

- **December 31:** IAC must approve 75% of funds from the Governor's preliminary allocation for school construction. IAC has final approval authority. The list of projects approved by the IAC board becomes part of the Governor's proposed capital budget, which is submitted to the General Assembly for approval.
- *March 1:* IAC presents its approval of 90% projected State funds as submitted in the Governor's capital budget.
- *May 1:* IAC approves all projects (100% allocation) with funds in the enacted capital budget. Final allocations are not subject to appeal.

Enrollment Growth or Relocatable Classrooms Supplemental Grant Program

Chapter 355 of 2015 established EGRC Supplemental Grant Program, which provides a minimum of \$40 million in annual supplemental grants to LEAs with significant enrollment growth or relocatable classrooms. LEAs match these funds through State and local cost-share. This program is funded with GO bonds. The eligibility criteria for LEAs to receive EGRC money are (1) enrollment growth that exceeds 150% of the statewide average or (2) an average of greater than 250 relocatable classrooms in use in the last five years, which a change from 300 relocatable classrooms prior to the passage of Chapter 20. IAC notifies EGRC-eligible counties of their allocation on the same schedule as the PSCP. Chapter 20 increases mandated funding for the program to \$80 million beginning in fiscal 2027.

The Healthy School Facility Fund

Chapter 561 of 2018 established the HSFF to provide grants to public schools to improve the health of school facilities. The Governor must appropriate \$30.0 million for the fund in fiscal 2020 and 2021, which must be in addition to funds that would otherwise be appropriated for public schools. Chapter 20 extends the program to fiscal 2024 and increases funding to \$40 million in each of fiscal 2023 and 2024. IAC must give priority in awarding grants to schools based on the severity of issues in the school, including (1) air-conditioning; (2) heating; (3) indoor air quality; (4) mold remediation; (5) temperature regulation; (6) plumbing, including the presence of lead in drinking water; and (7) windows. IAC must establish application procedures for school systems to request grants and additional procedures to make awards from the fund not more than 45 days after receiving an application. No jurisdiction may receive more than \$15.0 million in a given fiscal year, and the total amount of a grant is not required to cover the full cost of a project.

Aging Schools Program

The ASP, Section 5-206, provides funds for costs associated with aging school buildings. These costs may include, but are not limited to, asbestos and lead paint abatement; upgrading of fire protection

systems and equipment, plumbing, roofing, upgrading of HVAC systems; site redevelopment; wiring schools for technology; and renovation projects related to education programs and services. The State funds this program with GO bonds. ASP does not have a State and local cost-share requirement. IAC distributes ASP grants to LEAs through a formula based on the pre-1970s SF of school buildings that have not been renovated.

James E. "Ed" DeGrange Nonpublic Aging Schools Program

The fiscal 2014 capital budget created the Nonpublic Aging Schools Program, which provides grants for nonpublic schools with aging buildings. In Chapter 9 of 2018, this program was renamed for Senator James E. "Ed" DeGrange and is now called the DeGrange Program. This program must be renewed every year as part of the capital budget and has historically been funded with GO bonds. MSDE manages this program, and IAC distributes funds.

To qualify for this grant, grant recipients must be eligible for the Aid to Non-Public Schools Program and meet specific criteria: (1) at least 20% of the school's students are eligible for FRPM; (2) tuition rates must be less than the statewide average per pupil expenditure; and (3) the school must have an average building age of 50 years or older. Payment for work completed under this program is reimbursed to the grant recipient. No matching funds are required, but the school is responsible for all project costs exceeding the amount of the grant. In 2019, the legislature added language in the fiscal 2020 capital budget bill that grant funds must be spent within three years or the funds revert to the Statewide Contingency Fund.

Eligible schools may receive up to a maximum allocation based on how many criterion it meets of no more than \$100,000 and no less than \$5,000. These amounts represent the maximum amounts available for projects according to their funding levels.

Public School Safety Grant Program

Chapter 14 of 2018 created the Public School Safety Grant Program to provide grants to LSS for security improvements, including secure and lockable doors for every classroom, an area of safe refuge in every classroom, and surveillance and other security technology for school monitoring purposes. IAC administers the program in consultation with MCSS.

Nonpublic School Safety Improvements

Funding for nonpublic school security improvement grants was first provided in fiscal 2019. In order to apply for a grant, a school must (1) be eligible for, and participated in, the Aid to Non-Public Schools Grant Program in the prior school year or (2) serve students with disabilities through the Nonpublic Placement Program. For eligible schools that have less than 20% FRPM participants, the maximum grant amount is \$65 per student. For eligible schools with over 20% FRPM students, the maximum grant amount is \$85 per student. No individual school may receive less than \$5,000.

Appendix 1
Public School Construction Funding
Fiscal 2017-2021

						Total		
						Allocation	Allocation	% of Total
Local School System	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2017-2021</u>	<u>1972-2021</u>	Since 2017
Allegany	\$24,242	\$12,873	\$3,950	\$2,840	\$1,180	\$45,085	\$147,152	31%
Anne Arundel	42,598	36,829	28,832	28,487	27,817	\$164,563	750,065	22%
Baltimore City	37,500	37,303	68,735	41,062	27,769	\$212,369	917,625	23%
Baltimore	45,775	45,186	41,865	33,795	30,704	\$197,325	886,694	22%
Calvert	9,964	14,575	9,763	2,165	3,678	\$40,145	202,417	20%
Caroline	36	1,646	423	11,603	11,817	\$25,525	81,988	31%
Carroll	3,418	3,853	6,853	7,604	7,258	\$28,986	251,209	12%
Cecil	6,650	6,730	5,152	3,871		\$26,036	161,177	16%
	,	,	·		3,633		,	
Charles	8,951	10,516	14,856	13,937	9,753	\$58,013	299,966	19%
Dorchester	5,009	10,975	11,026	4,068	3,912	\$34,990	118,944	29%
Frederick	21,295	19,564	19,178	16,636	17,334	\$94,007	463,354	20%
Garrett	0	1,567	0	443	1,144	\$3,154	53,039	6%
Harford	8,732	13,592	12,278	12,964	11,678	\$59,244	372,669	16%
Howard	31,206	21,066	10,374	969	16,876	\$80,491	536,363	15%
Kent	0	0	0	1,433	2,293	\$3,726	22,220	17%
Montgomery	50,128	59,194	59,714	32,836	31,746	\$233,618	1,211,381	19%
Prince George's	44,675	49,625	49,031	29,189	28,927	\$201,447	938,669	21%
Queen Anne's	249	2,455	806	657	951	\$5,118	88,642	6%
St. Mary's	1,273	815	6,347	4,780	5,330	\$18,545	194,157	10%
Somerset	1,771	14,720	17,500	3,161	2,900	\$40,052	111,471	36%
Talbot	0	0	8,390	9,000	2,973	\$20,363	46,267	44%
Washington	4,847	2,592	12,042	11,671	7,510	\$38,662	202,436	19%
Wicomico	10,373	11,847	9,971	11,070	9,172	\$52,433	216,801	24%
Worcester	0	0	4,336	4,336	1,275	\$9,947	77,270	13%
Maryland School for the Blind	6,000	9,376	14,000	7,401	6,579	\$43,356	73,565	59%
Total	\$364,692	\$386,899	\$415,422	\$295,978	\$274,206	\$1,737,197	\$8,425,541	21%

Source: Interagency Commission on School Construction

Analysis of the FY 2022 Maryland Executive Budget, 2021